

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In the Matter of a Petition for Judicial Assistance
Pursuant to 28 U.S.C. § 1782 by

KHAKI BUKIT INDUSTRIAL PARK PRIVATE
LIMITED, through its liquidator, GOH BOON
KOK,

Petitioner,

To Issue Subpoenas for the Taking of
Depositions and the Production of Documents

Case No. 2:13-cv-01215-MMD-GWF

ORDER

This matter comes before the Court on Petitioner Khaki Bukit Industrial Park Private Limited's ("Petitioner") Application (#1) for an Order to conduct discovery for use in a foreign proceeding, filed on July 10, 2013; Application (#4) for an Order to conduct discovery for use in a foreign proceeding, filed on July 10, 2013; and Ex-Parte Motion (#6) for an Order to conduct discovery for use in a foreign proceeding, filed on July 18, 2013. The three subject filings are identical and seek identical relief; therefore, the Court will construe them as a single application.

Petitioner initiated this action pursuant to 28 U.S.C. § 1782, requesting the Court to issue a subpoena to Respondent Ho Mun Sang, a Nevada resident, so that Petitioner may take his deposition. Petitioner filed an Errata (#10) on August 9, 2013 that includes the proposed subpoena (#10, Exh. A). Petitioner represents the deposition is necessary to aid Petitioner in the enforcement of a judgment obtained in the High Court of the Republic of Singapore. Section 1782 provides as follows:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant


1 to a letter rogatory issued, or request made, by a foreign or international tribunal or
2 upon the application of any interested person and may direct that the testimony or
3 statement be given, or the document or other thing be produced, before a person
4 appointed by the court.

5 28 U.S.C. § 1782(a). The Court has wide discretion when considering whether to grant discovery
6 under Section 1782. *In re Roebbers*, 2012 WL 2862122 at * 2 (N.D. Cal. July 11, 2012). When
7 exercising its discretion, the Court should consider, among other factors, “whether the request
8 conceals an attempt to circumvent foreign proof-gathering restrictions or other policies of a foreign
9 country” and “whether the request is unduly intrusive or burdensome.” *Id.* Upon review of the
10 pleading papers and the proposed subpoena, the instant application appears to the Court to be
11 reasonable and satisfactory under Section 1782. However, Petitioner does not include a proposed
12 place, date, or time for the subject deposition in the proposed subpoena (#10, Exh. A).

13 Accordingly,

14 **IT IS HEREBY ORDERED** Petitioner shall file a supplemental proposed subpoena that
15 includes the place, date, and time for the subject deposition within 7 days of the date of this Order.

16 DATED this 19th day of August, 2013.

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18 GEORGE FOLEY, JR.
19 United States Magistrate Judge
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